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# Written statement* submitted by Alsalam Foundation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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# Bahrain: Abusing Anti-Terror Legislation & Increased Death Sentences

Alsalam Foundation, in coordination with Americans for Democracy & Human Rights in Bahrain (ADHRB), the Bahrain Institute for Rights and Democracy (BIRD), the Bahrain Center for Human Rights (BCHR), and the European Center for Democracy and Human Rights would like to take the occasion of the 31st Session of the Human Rights Council to discuss the ongoing assault on freedom of expression and assembly in the Kingdom of Bahrain. Over the past year, the Government of Bahrain has increased its efforts to criminalize dissent and silence opposition voices. These marked deteriorations seem to mirror long standing policies of neighboring Saudi Arabia—a state with a history of exporting its repressive policies. We call on States to condemn this troubling pattern and to pressure the Kingdom of Bahrain begin upholding international standards of human rights.

*Bahrain's Anti-Terror Laws*

Since the government's violent suppression of the peaceful protest movement in 2011, the status of human rights in Bahrain has steadily deteriorated. Bahraini authorities increasingly utilize vague legislation–including anti-terrorism laws—to suppress political dissidents, human rights defenders, and journalists. In 2015, the Bahraini government targeted activists through legal and extralegal mechanisms, most notably the revocation of citizenship, increased use of death sentences, and systematic violations of international fair trials standards.

In 2014, the Bahraini government made two amendments to existing legislation, introducing greater ambiguity into the laws. The Bahraini government amended Law 58 of 2006, "Protecting Society from Terrorism Act," in 2013, 2014 & 2015. The law now allows the detention of suspects for up to 28 days without any charge and extends the possible pre-trial detention period to seven months, thus violating the rights of detainees to a fair and speedy trial. These new provisions enable Bahraini authorities to justify prolonged pre-trial detention under national law, even as they remain in violation of international standards.

Article 10 of the 1963 Bahraini Citizenship Act as amended now allows officials to revoke the nationality of anyone who "harms the interests of the Kingdom." Bahraini courts have the ability to revoke nationality for a number of other arbitrary reasons, including defaming the image of the regime, forming or joining a terrorist group, or defaming "brotherly countries". In practice, this means the government can strip Bahrainis of citizenship for any critical or dissenting speech, ranging from tweets and blog posts to opinion pieces.

In 2015, the Government of Bahrain stripped 208 Bahrainis of their nationality. In a single case on 31 January 2015, the government revoked the nationality of 72 Bahrainis by ministerial order. Among those who lost their citizenship were Sayed Ahmed Alwadaei, Director of Advocacy at the Bahrain Institute for Rights & Democracy; Dr. Ali Al-Dariri, founder of the online news site *Bahrain Mirror*; Abbas Busafwan, a journalist; Masoud Jahromi, a university professor; and Shaikh Hasan Sultan, a former opposition member of the National Assembly. Mixed with these civil society and political opposition members were twenty persons affiliated with the Islamic State and al-Qaeda, thereby equating in human rights defenders, academics, and activists with violent extremists. Throughout ten more cases in 2015, criminal courts used the anti-terror law to strip Bahrainis of their citizenship, including 11 individuals under the age of 18. In November 2015, the government revoked the citizenship of 13 individuals based on terrorism charges, including the award-winning photojournalist Sayed Ahmed al-Mousawi, who also received a ten-year prison sentence.

*Death Sentences in Bahrain*

The number of detainees on death row in Bahrain increased by more than 75 percent in 2015. Eight individuals are currently on death row, most of which were convicted as a result of false confessions extracted under torture. In 2014, a Bahraini criminal court sentenced Mohammed Ramadan and Husain Ali Moosa to death for their alleged involvement in a February 2014 bomb explosion. Bahraini authorities tortured both men to coerce a confession. On 16 November 2015, the Court of Cassation upheld both their sentences, despite Ramadan and Moosa recanting their confessions and reiterating that they had confessed under torture. Similar to the cases of Ramadan and Moosa, many death penalty cases lack hard evidence linking the individuals to the crimes for which they were prosecuted. Criminal courts regularly dismiss the defense's arguments and obstruct defendants' access to an attorney, further contributing to due process

violations in Bahrain's judicial process. Bahrain's utilization of the death penalty is in breach of the International Covenant on Civil and Political Rights (ICCPR), to which Bahrain acceded in 2006.

Alsalam Foundation, along with ADHRB, BIRD, BCHR, and ECDHR is concerned with a wider trend of Bahraini repressive policies and laws which are increasingly aligned with those of Saudi Arabia. Criminalizing free speech and suppressing freedom of assembly through broadly-framed legislation, such as the anti-terrorism law and the Bahraini Citizenship Act, broadly undercut the fundamental human rights of all Bahrainis. Due process violations, death penalty sentences, and denaturalization are growing trends in Bahrain and are in breach of universal human rights and freedoms.

*Recommendations*

The Kingdom of Bahrain has not made substantive progress towards improving its record on human rights. Indeed, the government of Bahrain has only progressed in further eroding the status of human rights in the kingdom. We therefore call on the international community to publicly condemn these growing human rights violations, specifically the increased revocation of citizenship, death sentences, and continued judicial violations. It is only through renewed and sustained international pressure that Bahrain will begin to take meaningful steps toward addressing its human rights abuses.

On the occasion of the 31st Session of the Human Rights Council, ADHRB, BIRD, BCHR and ECDHR call upon states to:

- Urge the Bahraini government to restore Bahraini citizenship to all persons whose citizenship was revoked without due process
- Encourage the Kingdom of Bahrain to accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness
- Conduct independent investigations into the systemic human rights abuses in Bahrain, including those relating to the use of torture, enforced disappearance, and arbitrary detention;
- Call on the Office of the Ombudsman of the Ministry of Interior and the Bahrain National Institute for Human Rights to correct past failings, reassess the independence of current staff, and fully engage their mandates with a view towards supporting substantive human rights protections and reforms;
- Call on Bahrain to investigate all allegations of torture made by persons sentenced to death, and to dismiss any and all convictions made on the basis of confessions obtained under conditions of torture; and
- Urge Bahrain to re-impose a moratorium on the death penalty with a view towards total abolition.